

TITLE 4: BUSINESS AND SPECIAL LICENSES, REGULATIONS

DIVISION 6: SOLID WASTE HANDLING FRANCHISES

Chapter 2: PURPOSES AND REQUIRED AUTHORIZATIONS.

Sections:

- 46.021 Purposes.
- 46.022 Required Authorizations.

46.021 Purposes.

The purposes of this Division are:

(a) To allow for the establishment of Solid Waste Handling franchises within the unincorporated portion of San Bernardino County, pursuant to authority cited in California Government Code Section 25827, in California Public Resources Code, Sections 40057 through 40059 or 49200 through 49205, in California Code of Regulations (CCR) Title 14, Section 17332 and 17333, and any other applicable state or local law. The implementation of franchises through entering into Franchise Agreements with Grantees will assist the County:

(1) In meeting its obligation to provide Solid Waste Handling services as required in Public Resources Code Section 40057; and

(2) In meeting the requirements of AB 939 which mandate that the County divert twenty-five percent (25%) of its Solid Waste from County landfills by 1995, and fifty percent (50%) by the year 2000;

(b) To help ensure that residents of the Unincorporated County receive the similar quality of waste collection and recycling services as do those residents in the cities and towns of San Bernardino County;

(c) To ensure that programs and service levels for Solid Waste Handling within the unincorporated spheres of influence of cities and towns will replicate, to the extent possible, programs and service levels of adjacent cities and towns;

(d) To minimize, to the extent possible, disruption of programs and services to unincorporated residents in the event of annexations;

(e) To help quantify the waste stream from the Unincorporated County in order to comply with diversion requirements of AB 939; and

(f) To provide by agreement, an opportunity for predictable levels of waste at County landfills to ensure adequate funding for closure/post-closure activities.

Adopted Ordinance #3670 (1996);

46.022 Required Authorizations.

(a) Except as otherwise provided in subsections (b) and (c) of this Section, no Person shall engage in or provide, in the Unincorporated County, Solid Waste Handling services without such Person having and maintaining:

(1) A Health and Safety Permit authorizing the collection, transfer or removal of Refuse (within the meaning of Article 2 of Chapter 8 of Division 3 of Title 3 of this Code); and

(2) (A) With respect to a Franchise Area, a Franchise Agreement authorizing the Person to provide the specified Solid Waste Handling service being provided; or

(B) With respect to a Refuse Collection Area, or any portion thereof which is not a Franchise Area subject to a Franchise Agreement, a Class A permit or temporary permit as provided for in Article 2.1 of Chapter 8 of Division 3 of Title 3 of this Code.

(b) (1) Notwithstanding subsection (a), above, any Person may engage in or provide, in the Unincorporated County, those Solid Waste Handling services related to performing as a Garbage Hauler (within the meaning of Chapter 8 of Division 3 of Title 3 of this Code), without such Person being required to have or maintain a Franchise Agreement or the Class A permit or temporary permit provided for in Article 2.1 of Chapter 8 of Division 3 of Title 3 of this Code.

(2) Notwithstanding subsection (a), above, any Person may engage in or provide, in the Unincorporated County, those Solid Waste Handling services which are related solely to one of the types of Solid Waste set forth below, without such Person being required to have or maintain a Franchise Agreement or the Class A permit or temporary permit provided for in Article 2.1 of Chapter 8 of Division 3 of Title 3 of this Code.

(A) Abandoned vehicles and parts thereof;

(B) Ashes;

(C) Demolition and construction wastes;

(D) Dewatered, treated or chemically fixed sewage sludge; and

(E) Recyclable Materials.

(3) Subsections (b)(1) and (2), above, shall have no application in any Franchise Area to the extent that the County provides in the Franchise Agreement(s) establishing such Franchise Area that any or all of the Solid Waste Handling services related to either performing as a Garbage Hauler or to the types of Solid Waste enumerated in subsection (b)(2) are to be provided pursuant to a Franchise Agreement or Agreements; so long as the Person and/or the Solid Waste Handling service being provided do not otherwise fit within one or more of the exemptions provided

in subsection (c) of this Section. The Department shall maintain a list of all areas of the County within which a Franchise Agreement is required in order to provide any of the Solid Waste Handling services which are related to performing as a Garbage Hauler or solely to a type of Solid Waste enumerated in subsection (b)(2).

(c) The provisions of subsections (a) and (b)(3) of this Section shall not apply to those Persons and/or Solid Waste Handling services specified in Section 33.0843 of this Code.

Adopted Ordinance #3670 (1996);